

Exhibit 40

6 (Pages 18 to 21)

Page 18	Page 20
<p>1 G. LIBUTTI</p> <p>2 director of world wide sales that is was in Rome and the 3 name is the same. It's Pierandrea Galli.</p> <p>4 Q. And you said first he was was the director of 5 North America?</p> <p>6 A. No. Just explain, I was in charge of North 7 America and there was another guy in charge of South 8 America.</p> <p>9 Q. Okay</p> <p>10 A. Mr. Galli, based in New York, was the boss of 11 both.</p> <p>12 Q. What was his title?</p> <p>13 A. Director of – I don't remember – director of 14 North and South America. I don't remember. Now, he was 15 transferred to Rome as director of world wide sales and 16 then the position used to have before was canceled.</p> <p>17 Q. When you went back to Rome what was your salary?</p> <p>18 A. My salary was the same amount; 100,000 Euro, 19 gross. Not net, but gross. So means I have to pay 20 taxes. In Italy it's around 45 percent so my salary was 21 around 55,000 Euro.</p> <p>22 Q. What do you mean you had to pay taxes but in the 23 United States you did not have to pay taxes; can you 24 explain that?</p> <p>25 MR. KORAL: Objection.</p>	<p>1 G. LIBUTTI</p> <p>2 Gallo?</p> <p>3 MR. KORAL: Objection. MR. SMITH: Withdrawn.</p> <p>4 Q. Could you please describe your relationship, if 5 any, with Mr. Gallo?</p> <p>6 A. Yes.</p> <p>7 MR. KORAL: Objection.</p> <p>8 Q. It was working a relationship because he was 9 based in North America, I was based in South America and 10 we had many friends in common so we sometimes we have 11 goals and exchange idea about the company. We met a few 12 times during big meetings at the Alitalia organized 13 sales meeting for all employees and all the management 14 in the world and that was my relationship with Gallo 15 before New York.</p> <p>16 Q. Prior to coming to New York, did you ever go out 17 socially with Mr. Gallo?</p> <p>18 A. Socially?</p> <p>19 Q. Yes.</p> <p>20 A. Some visit in New York with some dinner together, 21 yes.</p> <p>22 Q. Prior to 2003, to you coming to New York, did you 23 ever here any rumors about Mr. Gallo?</p> <p>24 MR. KORAL: Objection.</p>
<p>1 G. LIBUTTI</p> <p>2 A. In the United States the company pay taxes, I pay 3 taxes but the contract that we do is a net contract.</p> <p>4 Q. What does that mean?</p> <p>5 A. That you receive an amount net, taxes excluded, I 6 mean, the company will pay taxes.</p> <p>7 Q. So you received 100,000 Euro's clean after taxes?</p> <p>8 A. Absolutely.</p> <p>9 Q. And in Rome did they pay for any schooling for 10 your children?</p> <p>11 A. No.</p> <p>12 Q. No apartment?</p> <p>13 A. Apartment, no. They give me 1,000 Euro for first 14 year as because every time that an expatriated it's back 15 to Italy. The first year they help some accomodation. 16 So the first year I receive 1,000 Euro as help for the 17 house, apart of course, that the salary.</p> <p>18 Q. Do you know Francesco Gallo?</p> <p>19 A. Yes.</p> <p>20 Q. When did you first meet Francesco Gallo?</p> <p>21 A. At the beginning of my experience in Alitalia. I 22 don't remember exactly the year but.</p> <p>23 Q. Would that be in the early '90s?</p> <p>24 A. Yes, '94, '93, '95. I don't remember.</p> <p>25 Q. And what was your relationship like with Mr.</p>	<p>1 G. LIBUTTI</p> <p>2 A. Rumors about what, sir?</p> <p>3 Q. Rumors about Mr. Gallo being homosexual?</p> <p>4 A. No.</p> <p>5 Q. Did you ever hear any rumors about Mr. Gallo in 6 any derogatory fashion, any bad things about Mr. Gallo?</p> <p>7 A. No.</p> <p>8 Q. Did you believe he was a homosexual back in 2000 9 -- before coming to New York?</p> <p>10 A. Repeat the question again, sir. If I believe 11 that Mr. Gallo was homosexual?</p> <p>12 Q. Yeah.</p> <p>13 A. No.</p> <p>14 Q. As you sit here today do you believe Mr. Gallo is 15 homosexual?</p> <p>16 A. No.</p> <p>17 Q. Have you ever heard any rumors about Mr. Gallo 18 being homosexual?</p> <p>19 A. Yes.</p> <p>20 Q. When was the first time you ever heard a rumor 21 about Mr. Gallo being homosexual?</p> <p>22 A. When Alitalia received a lawsuit from a guy 23 working in Alitalia that was accusing Mr. Gallo of 24 sexual harassment.</p> <p>25 Q. And who was that guy?</p>